

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, ,WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER , TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, the State Legislature has authorized Town to enact planning and zoning laws and regulations and to enforce building and other codes, and

WHEREAS, the Town is authorized to collect fees for the administration of its planning and zoning and building code enforcement programs, so that the cost of the programs are borne by the beneficiary, and

WHEREAS, after review and consideration of the costs of these functions, and review of the fees charged by the Town and other communities, the Town Board of the Town of Lancaster, believes, in order to have the charges for the services provided approximate the costs in doing so, it in the public interest to consider amending in part Chapter 30, Permit and Application Fees, by enacting a Local Law of the Year 2010, which reads as follows:

**PERMIT AND APPLICATION FEES
CHAPTER 30
LOCAL LAW
OF THE YEAR 2010**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §30-14(A), 30-15(A)(B), 30-16(A)(B), 30-17(A)(B)(C)(D)(E), 30-20(A)(B), 30-25(A)(B), 30-41(B), 30-34, 30-35(A)(B)(C), 30-36(A)(B)(C)(D), 30-4(C), 50-43(A)(1), 30-5(F), 30-42(A)(B), 30-26(A)(B)(C)(D), and 30-28(A), and to enact in place thereof a Local Law of the Year 2010 enacting new §30-14(A), 30-15(A)(B), 30-16(A)(B), 30-17(A)(B)(C)(D)(E), 30-20(A)(B), 30-25(A)(B), 30-41(B), 30-34, 30-35(A)(B)(C), 30-36(A)(B)(C)(D), 30-4(C), 50-43(A)(1), 30-5(F), 30-42(A)(B), 30-26(A)(B)(C)(D), and 30-28(A), OF CHAPTER 30 PERMIT AND APPLICATION FEES AND CHAPTER 50 ZONING OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

SECTION 1. §30-14(A) of the Town Code of the Town of Lancaster is hereby amended to read in its entirety as follows:

Zoning Board of Appeals Fees

A. Fees for use and area variances, zoning interpretations, or administrative appeals are set forth as follows:

1. Zoning Board of Appeals

<u>TYPE</u>	<u>RESIDENTIAL</u>	<u>NON-RESIDENTIAL</u>
Use Variance (single)	\$150	\$225
Use Variance (each additional)	\$12 each	\$12 each

Area Variance (single)	\$150	\$225
Area Variance (each additional)	\$12 each	\$12 each
Interpretation	\$150	\$225
Other (administrative appeal)	\$150	\$225

SECTION 2. §30-15(A)(B) of the Town Code of the Town of Lancaster is hereby amended to read in its entirety as follows:

Application Fees for Rezoning

A. The application fees for a rezoning application to the Town Board are as follows:

<u>TYPE</u>	<u>New Zone: Residential</u>	<u>New Zone: Non-Residential</u>
Base Fee	\$550	\$750
For each acre of the lot size	\$25 per acre	\$45 per acre

B. Required Mailings. In connection with an application for rezoning, the applicant shall, under the direction of the Town Clerk, mail notice, including a copy of the entire rezoning application package, to all property owners within 200 feet of the perimeter of the area proposed to be rezoned. The applicant shall directly pay all costs associated with these mailings. The applicant is required to complete and file an affidavit with the Town Clerk stating that the required mailings were completed in accordance with this subsection.

SECTION 3. §30-16(A)(B) of the Town Code of the Town of Lancaster is hereby amended to read in its entirety as follows:

Application Fees for Special Use Permits

A. The application fees for special-use permit or renewal applications under Chapter 50, Zoning, of the Code of the Town of Lancaster are as follows:

<u>TYPE</u>	<u>RESIDENTIAL</u>	<u>NON-RESIDENTIAL</u>
Fee	\$350	\$650

B. The application fee for an application for a special use permit under Chapter 18, Excavations, of the Code of the Town of Lancaster shall be \$5,000.

SECTION 4. §30-17(A)(B)(C)(D)(E) of the Town Code of the Town of Lancaster is hereby amended to read in its entirety as follows:

Application Fees for Subdivision Approvals

A. Application fees for the submittal and review of the Sketch Plan are as follows:

<u>TYPE</u>	<u>FEE</u>
Base Fee	\$550
For each lot	\$50

B. Application fees for the submittal and review of the Preliminary Plat, or amendment of approved Preliminary Plats, are as follows:

<u>TYPE</u>	<u>FEE</u>
Base Fee	\$550
For each lot	\$50

C. Application fees for the submittal and review of the Final Plat or amendment of approved Final Plats, are as follows:

<u>TYPE</u>	<u>FEE</u>
Base Fee	\$225
For each lot	\$25

D. Application fees for the creation of additional lots, where a Plat is not being amended, \$100 per lot.

E. Engineering Fee: For subdivisions up to 4 lots, \$500. All other subdivisions, \$750.

SECTION 5. §30-20(A)(B) of the Town Code of the Town of Lancaster is hereby amended to read in its entirety as follows:

Public Improvement Permits, Private Improvement Permits

- A. Definitions. The following terms, when used in this section, shall have the meanings herein stated:**
 - (1) Public Improvements** - The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights, which improvements are dedicated to the Town, shall be considered public improvements.
 - (2) Private Improvement** - The construction of pavement and curbs, waterlines, storm sewers, drainage detention areas and streetlights, which improvements are not dedicated to the Town but remain in private ownership, shall be considered private improvements.
- B. Public and Private Improvement Fees shall be as follows:**
 - (1) The permit fee, due upon application, shall be \$500
 - (2) Inspection fees for public improvement permits shall be in sum equal to 8% of the estimated cost of construction.

- (3) The application for both public and private improvement permits shall contain a statement by the applicant of the estimated cost of construction, together with an explanation of how this figure is derived. Final determination of estimated cost of construction shall be determined by the Town of Lancaster upon review of the application with proposed plans.

SECTION 6. §30-25(A)(B) of the Town Code of the Town of Lancaster is hereby amended to read in its entirety as follows:

Recreation Filing Fee

- A. A recreation filing fee shall be paid by the building permit applicant with each residential building permit application, or, in the alternative, at the option of the Town Board, upon the recommendation of the Planning Board, the Town may accept a contribution of land by a subdivision applicant of developer for future development of recreation area, provided that such use will conform generally to the recreational master plan of the Town of Lancaster.
- B. The fee schedule where the Town imposes a recreation filing is as follows:
 - (1) Single-family dwelling: \$1,250 per lot.
 - (2) Multiple dwelling: \$1,250 per each dwelling unit.

SECTION 7. §30-41(B) of the Town Code of the Town of Lancaster is hereby amended to read in its entirety as follows:

- B. A site plan review fee is required. Where an application is made to the Town of Lancaster to review or amend a site plan as required by Chapter 50, Zoning, of the Code of the Town of Lancaster, the following site plan review fees shall be imposed as part of the review process:

<u>AREA (ACRES)</u>	<u>FEE</u>
0 TO 1	\$600
Greater than 1	\$600 plus \$175 for each additional acre or fraction thereof

SECTION 8. §30-33(A)(B) is hereby added to the Town of Lancaster Town Code to read in its entirety as follows:

Public Notice Fee:

- A. The fee for publication of legal notice in an official newspaper is \$50.
- B. Re-advertisement Fee: \$50. Applicant's request for postponement may require a re-advertisement fee.

SECTION 9. §30-34 is hereby added to the Town of Lancaster Town Code to read in its entirety as follows:

Transcript Fee:

For any proceeding before a Town body for which a transcript is prepared by other than Town staff, the applicant shall pay all costs of transcription and shall provide the Town with a copy of the transcript.

SECTION 10. §30-35(A)(B)(C) is hereby added to the Town of Lancaster Town Code to read in its entirety as follows:

The Town is subject to the State Environmental Quality Review Act. In addition to any other fees imposed by this section, to cover professional expenses in reviewing submittals, any application for a non-Type II activity shall, in addition to any other fees imposed, include the following State Environmental Quality Review Act Review Fees.

- A. Review fee for a short form EAF: \$100**
- B. Review fee for a long form EAF: \$250**
- C. Applications may require the lead agency to engage professional services as part of the review process. Such services may include an engineer, planning consultant or other specialist necessary for the agency to make an informed decision. Expenses incurred by the Town for this purpose shall be fair and reasonable and shall be reimbursed to the Town by the applicant in the amount of the actual expense incurred. An escrow account shall be established for this purpose by the applicant in an amount suggested by the reviewing Board, if it determines that such services are required. Should the required escrow be depleted before final approval, the applicant will be advised that additional monies must be deposited before review will continue.**

SECTION 11. §30-36(A)(B)(C)(D) is hereby added to the Town of Lancaster Town Code to read in its entirety as follows:

Miscellaneous Fees

- A. Construction Trailer Fee \$100**
- B. Temporary Certificates or Occupancy of other interim certificates (fee is due in addition to fees for final certificate) \$25**
- C. Reinspection Fees \$50**
- D. Zoning Confirmation Letters \$50**

SECTION 12. §30-4(C) of the Town of Lancaster Town Code is hereby amended to read in its entirety as follows:

Building Permit Fees for Non-Residential Construction

- C. Communication Towers**
 - (1) Communication Towers:** a fee of \$5,000 for a tower up to 150 feet; and for height exceeding 150 feet, and additional cost of \$100 per foot so exceeding 150 feet.

- (2) **Additions** to communication towers or communication antennas for commercial use added to an existing building or structure; a fee of \$2,000.
- (3) **Co-location** of communication arrays or antennas on an existing tower or structure: a fee of \$2,000 except on those towers situated on Town-owned property from which the Town derives a co-location fee.

SECTION 13. §50-43(A)(1) of the Town of Lancaster Town Code is hereby amended to read in its entirety as follows:

Site plan review

A. Site Plan Submittal. A site plan must be submitted for all:

- (1) Multiple unit apartment complexes and condominium units. Residential developments for townhouse units and patio homes are subject to processing under the subdivision regulations of the Town of Lancaster.

SECTION 14. §30-5(F) of the Town of Lancaster Town Code is hereby amended to read in its entirety as follows:

Repairs, Alterations, Additions and Private Accessory Structures.

F. Television Dishes three (3) feet wide or greater: \$25

SECTION 15. §30-42(A)(B) of the Town of Lancaster Town Code is hereby amended to read in its entirety as follows:

Stormwater Pollution Prevention Plan Review and Inspection fees

A stormwater pollution prevention plan review and inspection fee shall be paid by the applicant for the review of the stormwater pollution prevention plan (SWPPP), the review of any subsequent revisions to a SWPPP, and all inspections of development activities/sites associated with enforcing/overseeing implementation of the SWPPP as follows:

A. For single-phase residential and commercial development projects.(Scheme A):

<u>AREA (ACRES)</u>	<u>FEE</u>
0 to 5	\$500
5 to 10	\$850
Greater than 10 fraction thereof) over 10	\$850 plus \$300 for each additional 5 acres (or

B. For multiphase residential and commercial development projects (Scheme B)

- (1). When the entire project is first being reviewed and approved by the municipality, use Scheme A above to determine an initial fee based on the entire acreage of the project to be developed in several phases.

- (2) Add \$500 for each subsequent phase after the first initial phase, to be collected at the beginning of each subsequent phase.

SECTION 16. §30-26(A)(B)(C)(D) of the Town of Lancaster Town Code is hereby amended to read in its entirety as follows:

A tree reforestation fee shall be paid into the Tree Restoration Fee Trust Fund by the building permit applicant with each residential or commercial building permit application as follows:

- A. Single-family dwelling: \$250 per lot.**
- B. Multiple dwelling, townhouse, condominium, apartment:**
 - (1) On a dedicated road: \$150 for the first dwelling, plus \$75 for each additional dwelling unit
 - (2) On a private road: \$300 per acre or part thereof.
- C. Hotels and motels: \$300 per acre or part thereof.**
- D. Commercial and industrial building: \$300 per acre or part thereof.**

SECTION 17. §30-28(A) of the Town of Lancaster Town Code is hereby amended to read in its entirety as follows:

Establishment of Improvement Values

- A. The establishment of Improvement Values for determining the fee for a Certificate of Occupancy is as follows:**
 - (1) Renovation of existing commercial: \$70 per square foot.
 - (2) New commercial construction: \$100 per square foot.
 - (3) Renovation of existing dwelling: \$75 per square foot.
 - (4) New dwelling construction: \$130 per square foot.
 - (5) Garages and porches: \$20 per square foot.

SECTION 18. Severability

Should any provisions of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 19.

From the effective date of this Local Law, the specific fees established in Chapter 30 of the Town of Lancaster Town Code may be amended by Resolution of the Town Board of the Town of Lancaster, after a public hearing, adopting a Schedule of Fees. Said schedule of fees may be adopted as part of the budget process, in which case any public notice as to the budget and public hearing thereon shall also include any changes in the Schedule of Fees.

SECTION 20. Effective Date

This Local Law shall be effective upon its filing with the Secretary of the State in accordance with the Municipal Home Rule Law.

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2010, which local law amends in Part Chapter 30-"Permit and Application Fees" and Chapter 50 "Zoning" of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, at 8:15 o'clock P.M., Local Time, on the 4th day of October, 2010, and that Notice of the Time and Place of such Hearing shall be published in the Lancaster Bee, a newspaper of general circulation in said Town, and posted upon the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2010, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 13, 2010

**LEGAL NOTICE
PUBLIC HEARING
PROPOSED LOCAL LAW
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted September 13, 2010 the said Town Board will hold a Public Hearing on the 4th day of October, 2010 at 8:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2010, which Local Law amends in Part Chapter 30 of the Code of the Town of Lancaster "Permit and Application Fees" and Chapter 50 "Zoning" by establishing an updated fees schedule to be collected for the planning and zoning and building code enforcement functions of the Code of the said Town. A complete copy of this proposed Local Law of the Year 2010, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

September 13, 2010